

2. It is an admitted position that the petitioner is not possessing three years teaching experience so that he can be appointed as Asstt. Deputy Education Inspector under the old rules because the old rules only provide for relaxation of age and not relaxation of the qualification and the error committed by the respondents in respect of other case cannot be said to be alive and the benefit cannot be given to the petitioner committing the said error by judicial process. Apart from that, when the Tribunal considered the case of the petitioner, the new rules have come into force as discussed in

Para-5 of the order of the Tribunal and as per the new rules appointment of the A.D.E.I. shall be made by transfer on the basis of seniority from amongst the persons holding any post in the cadre and possessing a degree of Bachelor of Education with school subject and having at least three years of teaching experience after acquiring a degree of Bachelor of Education. The expression "Cadre" is given in 2(a) of the aforesaid rules. It is clear from the said rules that the cadre of Clerk has been omitted. The petitioner is admittedly working as clerk and therefore, he is not eligible for appointment as A.D.E.I. under the existing rules. The Tribunal has rightly rejected the application. We therefore, refrain to entertain the petition. Petition is accordingly rejected.

(R.S. MOHITE, J.)

(S.B. MHASE, J.)